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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,095	12/30/2000	Govindan Nair	42390P9928	8255
8791	7590	01/16/2007	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN			KOROBOV, VITALIA	
12400 WILSHIRE BOULEVARD			ART UNIT	PAPER NUMBER
SEVENTH FLOOR			2155	
LOS ANGELES, CA 90025-1030				
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/16/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/752,095	NAIR, GOVINDAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Vitali Korobov	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 October 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6,8-13 and 15-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-6,8-13 and 15-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____                                                         | 6) <input type="checkbox"/> Other: _____                          |

**RESPONSE TO RCE**

1. This action is responsive to the RCE filed on 10/16/2006. Claims 1, 8 and 15 have been amended. Claims 7, 14 and 21 have been canceled. Claims 1-6, 8-13, and 15-20 are pending and have been examined in this Office Action.

***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous office action has been withdrawn pursuant to 37 CFR 1.114. The Applicant's submission filed on 10/16/2006 has been entered.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The first line of claim 1 reads "A method for comprising:", which renders the claim indefinite.

All dependent claims are rejected as having the same deficiencies as the claims they depend from.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 8-13, and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by the U. S. Patent No. 6,009,463, issued to Brandt et al., hereinafter Brandt.

Regarding claim 1, Brandt teaches a method for comprising: receiving a data frame at a first communications protocol software module (1:49-54); allocating a memory buffer in which to store at least some portion of the data frame (3:44-47); the memory buffer pointed to by a non-unique pointer associated with a first communication protocol software module (CPSM) (3:48-51); storing the at least some portion of the data frame in the memory buffer (3:44-47); accessing the at least some portion of the data frame in the memory buffer pointed to by the non-unique pointer associated with the first CPSM to process the data frame by the first CPSM (3:44-47 - the header is parsed); under the control of a buffer manager software module (11:41-49 - MCP), transferring the non-unique pointer associated with the first CPSM from the first CPSM to associate with a second CPMS and thus transferring control of processing the

data frame in the memory buffer from the first CPSM to the second CPSM (11:31-35 and 11:55-61 - transferring the pointers); and accessing the at least some portion of data frame in the memory buffer pointed to by the non-unique pointer associated with the second CPSM to process the data frame by the second CPSM (11:1-11, 5:66-6:13. The limitations of first and second CPSM are met by Brandt's teachings of respective software modules running at DSS and Network Provider).

Regarding claim 2, Brandt teaches the method of claim 1, wherein allocating a memory buffer in which to store the at least some portion of the data frame comprises allocating a memory buffer from a pool of available memory buffers in which to store the at least some portion of the data frame (Fig. 1 - input and output buffer pools).

Regarding claim 3, Brandt teaches the method of claim 1, wherein accessing the data frame in the memory buffer pointed to by the pointer associated with the first CPSM to process the data frame, comprises providing a first pointer to a beginning of the memory buffer and a second pointer to an ending of the memory buffer (23:40-60 - start offset and total length of the message).

Regarding claim 4, Brandt teaches the method of claim 3, further providing a length of the memory buffer to the first communications protocol module (23:40-60 - total length of the message).

Regarding claim 5, Brandt teaches the method of claim 1, further comprising returning the memory buffer to the pool of available memory buffers when processing of the data frame is completed (23:52-55 - re-use of the buffer).

Regarding claim 6, Brandt teaches the method the method of claim 5, wherein returning the memory buffer to the pool of available memory buffers when processing of the data frame is completed, comprises inserting the pointer to the memory buffer in to a linked list of available memory buffers (Fig. 4B - de-allocation of buffers).

Claims 8-13 are rejected in view of the above rejection of claims 1-6. Claims 8-13 are essentially the same as claims 1-6, except that they set forth the invention as an apparatus rather than a method, as do claims 1-6.

Claims 15-20 are rejected in view of the above rejection of claims 1-6. Claims 15-20 are essentially the same as claims 1-6, except that they set forth the invention as an article of manufacture rather than a method, as do claims 1-6.

5. **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-6, 8-13, and 15-20 have been considered but are moot in view of the new ground(s) of rejection, necessitated by the Applicant's amendment.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR § 1.111(c).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vitali Korobov whose telephone number is 571-272-7506. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Bharat Barot*  
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PRIMARY EXAMINER

Vitali Korobov  
Examiner  
Art Unit 2155

01/05/2007

VAK